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Patent and Trademark Office

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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/048,686 03/26/98 REFAI

WM01/1128

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W	P-4015.108/E
EXAMINER	

ART UNIT	PAPER
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2661

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DATE MAILED: 11/28/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Seema S Rao  
Primary Examiner  
Art Unit: 2661

<b>Office Action Summary</b>	<b>Application No.</b> 09/048,686	<b>Applicant(s)</b> REFAI, WAIL M.	
	<b>Examiner</b> Seema S Rao	<b>Art Unit</b> 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(d).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 1998.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- |  |  |
|--|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 16) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____    | 20) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "said primary data signal" in line 8. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilhousen et al. (U. S. 4,979,170).

Regarding claims 1, 8, 17, and 19, the index channel information is anticipated by the address channel as shown in Fig. 2. Address channels carry the address information required by the receiving stations to acquire the correct information intended for its reception. Refer to the abstract, lines 18-21 and also in column 3, lines 62-65. Address channel information is received by the receivers before receiving the information channel information anticipates the claimed limitation, "receiving and decoding the index signal at the receiving station". Selecting one or more information signals based on the index signal is disclosed in Fig. 2 and also in column 11, lines 11-19. A receiver as in claim 19 anticipated by the receiver of Fig. 3. A first signal

processing means is anticipated by the element 72. A second processing means is anticipated by the elements 72 and 80. Control means for selectively activating second signal processing means based on the addressing information contained in index signal is disclosed in column 11, lines 36-43.

Index channel being a narrow-band, as in claims **2 and 11**, is anticipated by the address channel sized 4 channels verses information channel sized 21 channel, broadband channel, as in claim **9**, in Fig. 2 and in column 11, lines 7-10. Index signal is transmitted at the same rate as the information signal, as in claims **3 and 12**, is anticipated by the number of bits as disclosed in Fig. 2 and in column 12, lines 20-25: This clearly states that both message and address are transmitted at 5000 bits per second rate. The receiving means demodulating and decoding the first index signal in real time, as in claims **4 and 13**, is disclosed in Fig. 3, elements 72 and 80. Primary data for later processing is being stored as in claims **5, 14, 18, and 20**, is anticipated by the storage 86 in Fig. 3. Claim language has been interpreted broadly for the recitation of storage of data for later processing. Language does not claim any storage of data before even it is processed. Identifying a particular receiver and corresponding packets in the information signal, as in claim **6**, is disclosed in Fig. 2 and in column 12, lines 25-33. Packets in the index signal correspond to the packets in the primary data signal, as in claims **7 and 16**, is anticipated by the A and D channels wherein A channels correspond to D channels, as shown in Fig. 2.

The relay station as in claim **8** anticipated by the satellite in Fig.1.

Retransmission of the information is anticipated by the retransmission of the information

as disclosed in column 6, lines 45-55. A transmitting station, as in claim 17 anticipated by the hub in Fig. 1. A plurality of receivers for receiving information from the transmitting station anticipated by the trucks or mobile users 12 in Fig. 1. Start time of the information, as in claims 15 and 17, anticipates the corresponding TDM channel assigned to the information channel of a particular receiver. Since the information channel is a TDM channel every time slot has a starting time and a terminating time. This very well anticipates the start time.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hylton et al. (U. S. 5,708,961) is cited for a program distributed system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seema S Rao whose telephone number is 703-308-5463. The examiner can normally be reached on 6.30-3.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W Olms can be reached on 703-305-4703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9000.

Seema S Rao  
Primary Examiner  
Art Unit 2661

*Seema S. Rao*

November 20, 2000